Constitution and By-laws

of the

Sisseton-Wahpeton Oyate

SISSETON-WAHPETON OYATE
LAKE TRAVERSE RESERVATION

REVISED CONSTITUTION AND BY-LAWS OF THE SISSETON-WAHPETON OYATE

(As amended by Amendment No. II, effective December 19, 2002)

PREAMBLE

We, the Sisseton-Wahpeton Oyate, in order to form a better tribal government, exercise tribal rights and responsibilities and promote the welfare of the people, do hereby establish this Revised Constitution and By-Laws.

ARTICLE I – JURISDICTION

The jurisdiction of the Sisseton-Wahpeton Oyate shall extend to lands lying in the territory within the original confines of the Lake Traverse Reservation as described in Article III of the Treaty of February 19, 1867 and those lands subsequently acquired by the Sisseton-Wahpeton Oyate. *(As amended by Amendment No. X effective November 15, 2006.)*

ARTICLE II - MEMBERSHIP

SECTION 1. The membership of the Sisseton-Wahpeton Oyate shall consist of:

(a) All persons of Indian blood whose names appear on the official census roll of the Tribe as of January 1, 1940, which shall be the basic tribal membership roll. Corrections may be made in this roll by the Council. *(As amended by Amendment No. IV, effective November 15, 2006.)*

(b) All persons of Indian blood born after January 1, 1940, the date of the basic membership roll, and prior to October 16, 1946, the date of approval of the original Constitution, to members of the Tribe.

(c) Children born on or after October 16, 1946 the date of approval of the original Constitution, and prior to December 21, 1959, to members of the Tribe who were residents of the Lake Traverse Reservation at time of the birth of said children. *(As amended by Amendment No. XX, effective December 12, 1994.)*

Approved by the Sisseton-Wahpeton Tribal Council on November 15, 2006, by Motion No. 52.

(d) All Persons of one-eighth (1/8) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after December 21, 1959, and prior to November 21, 1978. *(As amended by Amendment No. IV, effective November 21, 1978.)*

(e) All persons of one-forth (1/4) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after November 21, 1978. *(This section added by Amendment No. IV, effective November 21, 1978.)*

(f) All persons applying for membership under Article II, Section 1. (a), (b), (c), and (d) (on or after the effective date of this amendment) must be one fourth (1/4) degree or more Sioux Indian blood. *(As amended by Amendment XI, effective December 20, 1985.)*

(g) All persons applying for membership under Article II, Section 1. (a), (b), (c), (d), (e), and (f) (on or after the effective date of this amendment) may be Sisseton-Wahpeton Sioux blood and other Sioux Indian blood, totaling one-forth (1/4) degree or more Sioux Indian blood. *(As amended by Amendment XIII-A, effective December 28, 1990.)*

(h) All persons applying for membership under Article II, Section 1. (a), (b), (c), (d), (e), (f) and (g) (on or after the effective date of this amendment) may be Sisseton-Wahpeton Sioux Indian blood and other Native American Indian blood, totaling one-forth (1/4) degree or more Native American Indian blood. (As amended by Amendment XIV-B, effective December 28, 1990.)

SECTION 2. A member of the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation SHALL NOT be dually enrolled in another tribe. *(This Section added by Amendment No. XII, effective November 15, 2006.)*

ARTICLE III – ORGANIZATION

SECTION 1. The Sisseton-Wahpeton Oyate (people) of the Lake Traverse Reservation shall be governed by a Council consisting of seven (7) Councilmen and three (3) Officers. Except for the Officers, one Councilman shall be elected from each of the seven districts and shall possess the voting strength according to population. The Chairman, Vice-Chairman and Secretary of the Council shall be elected at large, which Officers shall constitute an Executive Committee. The Vice-Chairman and the Tribal Secretary shall each have one vote in Council meetings. In meetings of the Council, the Chairman shall vote in case of a tie. *(As amended by Amendment*

XXII and Amendment XXIII, effective April 15, 1997 and further amended by Amendment IV) effective December 19, 2002.)

SECTION 2. The Executive Committee, in formal session, shall have the power to speak and act for the Tribe when the Council is not in session and to carry into effect all properly enacted resolutions and ordinances of the Council and to appoint any boards, committees, or associations necessary to the transaction of tribal business. The Council shall review any action taken by the Executive Committee not delegated to it either in this Revised Constitution or in the enactments of Council. The review shall be limited only to the next meeting of the Council following notification of the action of the Executive Committee.

SECTION 3. Members of the Council shall serve terms of two (2) years commencing on the date of the first regular meeting in January, 2007, and thereafter in January of odd numbered years and until their successors have been elected and seated. Any Council and Executive Committee member shall serve no more than two (2) consecutive terms for a total of four (4) years in the same office. Any Council member or Executive Committee member may again file for office after a two (2) year time period. *(As amended by Amendment XXI, effective April 15, 1997 and Amendment I, effective December 19, 2002, and further amended by Amendment No. II, effective November 15, 2006.)*

SECTION 4. There shall be a General Council composed of the enrolled members of the Tribe eighteen (18) years of age and over. A quorum for a General Council shall be at least ten percent (10%) of the registered members. It shall be the duty of the Tribal Council to call and notice, at least twice in each calendar year, a General Council meeting where tribal member questions will be addressed. The first General Council meeting will be held on the last Thursday and Friday of June where the following presentations will occur: (1) Financial reports for tribally-owned gaming operations; and (2) Office of Vice-Chairman financial report of the past calendar year and budget for the current calendar year. The second General Council meeting will be held on the third Thursday and Friday of December where the following presentations will occur: (1) financial report for other tribally-owned economic development ventures; and (2) the Council, all Tribal Committees, Associations, and organizations shall present a report on the past year's activities, and insofar as it is possible, explain the proposed programs for the ensuing year. The General Council may be convened only by action of the Tribal Council. *(As amended by Amendment No. I, effective October 18, 1972 and Amendment XVI - C, effective December 27, 1994 and further amended by Amendment IV, effective December 19, 2002.)*

SECTION 5. (a) There shall be a judicial branch comprised of a Tribal Court consisting of one Chief Judge and two Associate Judges with supportive staff; and an appellate court. *(Section 5 added by Amendment V, effective November 21, 1978). (and further amended by Amendment XVII -D, effective December 27, 1994.)*

(b) Judges shall be appointed by a two-thirds (2/3) vote of the Council for a term of four (4) years;

(c) Upon appointment, Judges may be removed only by provision of recall and impeachment procedure by tribal ordinance;

(d) Rules of operation shall be provided by the tribal ordinance;

ARTICLE IV – DISTRICT ORGANIZATION

SECTION 1. There shall be seven (7) deliberate District Councils, viz: (1) Veblen, (2) Long Hollow, (3) Buffalo Lake, (4) Enemy Swim, (5) Big Coulee, (6) Old Agency and (7) Lake Traverse.

SECTION 2. Each District Council shall consist of the adult members of the Tribe registered on a District voting roster which will be maintained by the District Secretary.

SECTION 3. The Councilman elected from each District shall call a District Election in January of add numbered years to elect for the District: (1) a Chairman; (2) a Vice-Chairman; (3) a Secretary; (4) a Treasurer; and such other officers and committees as may be deemed necessary. *(As amended by Amendment No. III, effective November 10, 1976.)*

SECTION 4. Each District shall manage its own affairs not inconsistent with the Tribe's Constitution. *(As amended by Amendment No. XXVII, effective December 7, 2000.)*

ARTICLE V – NOMINATIONS AND ELECTIONS

SECTION 1. The first election of the Council under this Revised Constitution shall be called, held and supervised by the present Council within one hundred twenty (120) days after its approval. Successful candidates at this first election shall assume office when duly seated at the regular January 1967 meeting of the Council. Where more than two (2) members have filed for an office, a Primary Election shall be held at least thirty (30) days prior to the General Election. Only the two (2) candidates for each office receiving the most votes at such Primary Election or convention shall be eligible to run for office in the General Election. Where no more than two (2) members have filed for an office, a Primary Election will be unnecessary.

SECTION 2. Any qualified registered member of the Sisseton-Wahpeton Oyate twenty-one (21) years of age or over may announce his candidacy for the Council in writing of his candidacy at least forty-five (45) days prior to the election, It shall be the duty of the Secretary to post at least ten (10) days before the Primary Election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by ordinance.

(a) Candidates for Council Officers shall file for the office of their choice at least sixty (60) days before the General Election.

(b) Councilman shall be elected from each of the seven (7) voting Districts according to population. *(As amended by Amendment No. III, effective November 21, 1976.)*

(c) No person may be a candidate for more than one office.

SECTION 3. The Council, or an Election Board appointed by the Council, shall supervise the maintenance of the District voting rosters, and shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The Council shall certify to the election of members after the election has been held.

SECTION 4. Any enrolled member of the Sisseton-Wahpeton Oyate, who is eighteen (18) years of age or over, shall be entitled to vote in the District in which he is registered. *(As amended by Amendment XXV, effective November 25, 1998.)*

SECTION 5. Members of the Tribe shall register, vote and hold office in the District of their residence, or if they are non-residents, in the District of their former residence, or if they never were residents, in the District of their choice. Tribal members who have never been residents, registering in the District of their choice, cannot change their Voting District unless duly authorized to do so by the Council.

ARTICLE VI – VACANCIES, REMOVAL AND RECALL FROM OFFICE

SECTION 1. If a Councilman or Officer shall die, resign or be removed from office for cause, the Tribal Council shall declare the position vacant. *(As amended by Amendment No XXVIII, effective December 7, 2000.)*

(a) The affected District shall fill the vacancy of a Councilman by holding a special election within sixty (60) days of the declared vacancy. If an

Executive Officer position becomes vacant, a reservation election shall be held to fill the vacancy within sixty (60) days of the declared position. *(As amended by Amendment No. XI, effective November 15, 2006.)*

(b) If an Executive Officer position becomes vacant, a reservation wide Election shall be held to fill the vacancy within forty-five (45) days of the declared vacancy.

(c) The Tribal Council shall appoint a person to fill the vacancy of either position in the interim, provided the appointment of any Councilman shall be made for the appropriate District.

SECTION 2. Any Councilman or Officer who is proven guilty of improper conduct or gross neglect of duty shall be removed from the Council by an affirmative vote of five of the Council members, provided that the member shall be given full opportunity to reply to any and all charges at a designated Council meeting; and provided further that the member shall have been given a written statement of the charges against him at least five (5) days before the meeting at which he is to be given the opportunity to reply. The Councilman or Officer found guilty of improper action shall not vote on his own removal. *(As amended by Amendment XXIV, effective April 15, 1997.)*

SECTION 3. The voters of any District, by petition signed by twenty percent (20%) of the Registered voters in the District, may request the recall of a District Councilman for cause. The recall of members of the Executive Committee may be requested by a petition signed by twenty percent (20%) of the registered voters from the Reservation-at-large. The Tribal Council shall hold a special election on all such recall petitions. Any resulting vacancies shall be filled under Section 1 of this Article. No more than one recall election for each Councilman or Officer shall be held for each term of office. *(As amended by Amendment No. XXIX, effective December 7, 2000.)*

SECTION 4. Any Councilman or Officer who fails to attend three (3) successive monthly meetings without excuse, shall be considered to have resigned his office. The Council shall then declare the position vacant and fill the vacancy pursuant to the provisions of Section 1, of this Article.

SECTION 5. Any petition for recall for cause shall clearly state specific charges or reasons which my include but is not limited to: abandonment of office, dereliction of duty, dishonesty, incompetency, or heedless of public opinion. *(As added by Amendment No. XXX, effective December 7, 2000.)*

ARTICLE VII – POWERS

SECTION 1. The Council shall have the following powers as outlined in this revised Constitution, which may be exercised pursuant to the tribe's inherent sovereignty, treaties and applicable federal statutes, rulings or regulations. *(As amended by Amendment No. III, effective November 15, 2006.)*

(a) To represent the Tribe in all negotiations with federal, state and local governments and to advise and consult with representatives of the Department of the Interior on all maters affecting the Tribe.

(b) To acquire, own, use, manage, lease and otherwise encumber and to dispose of tribal property, both real and personal, wherever situated.

(c) To engage in any business that will further the economic development of the Tribe and its members, and to use tribal funds or other resources for such purposes. *(As amended by Amendment No. XII, effective December 20, 1985.)*

(d) To make rules governing the relationship of the members to the Tribe, to tribal property, and to one another as members of the Tribe, and to assess fees of members to effectuate Tribal purposes.

(e) To hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services. *(As amended by Amendment No. VII, effective November 15, 2006.)*

(f) To deposit tribal funds to the credit of the Tribe, without limitations of the amount in any account, in any national, state bank or federal credit union, whose deposits are insured by an agency of the United States, and security authorized by federal laws for trust investments, and in addition, to invest and reinvest tribal funds in any security issued by a company in which the Tribe has a majority or greater interest.

(g) To take any action by ordinance, resolution, or otherwise which are reasonably necessary through committees, boards, agents or otherwise, to carry into effect the fore-going purposes and to add such further powers, as may be permitted by law, through appropriate amendment to this Revised Constitution.

(h) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Oyate.

(i) To adopt resolutions regulating the procedures of the Council, its officials and committees in the conduct of tribal affairs.

(j) i. No authorities contained in this Revised Constitution may be

delegated by the Council to tribal officials, district councils, or associations to carry out any function for which the Council assumes primary responsibility, except by ordinance or resolution duly enacted by the Council in legal session and excepting also those specific requirements contained in the By-Laws of the Sisseton-Wahpeton Oyate.

ii. The Council is hereby authorized to recognize any district committees, associations or other organizations open to the members of the Sisseton-Wahpeton Oyate and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the Council unless by a proper delegation of authority by the Council.

(k) To promulgate and enforce ordinances governing the conduct of persons under the jurisdiction of the Sisseton-Wahpeton Oyate. *(As amended by Amendment No. II, effective June 8, 1973 and further amended by Amendment No. V, effective November 21, 1978.)*

(l) To enact resolutions or ordinances not inconsistent with Article II of this Revised Constitution and By-Laws concerning membership in the Sisseton-Wahpeton Oyate. *(This section added to powers by Amendment No. VII, effective November 21, 1978.)*

SECTION 2. The Tribal Council shall reapportion the fifteen weighted votes within the first sixty (60) days after they are seated. *(As amended by Amendment No. XXXII, effective December 7, 2000). (Former section 2. "Manner of Review" deleted in its entirety by Amendment No. XXXI, effective December 7, 2000.)*

ARTICLE VIII – MEETINGS

SECTION 1. The Council shall meet regularly on the first Tuesday of each month, or upon call of the Chairman of the Council. It shall be the duty of the Chairman to call a special meeting upon request of a majority of the Council.

SECTION 2. At any meeting of the Council, either a simple majority of four (4) Districts and one (1) voting Officer of the Executive Committee or a simple majority of five (5) Districts shall be present to constitute a quorum, with no less than nine (9) votes present. *(As amended by Amendment No. XXXIII, effective December 7, 2000 and further amended by Amendment III, effective December 19, 2002.)*

SECTION 3. The Executive Committee shall meet upon call of the Chairman. At any meeting of the Executive Committee two (2) members shall constitute a quorum.

ARTICLE IX – BILL OF RIGHTS

SECTION 1. All members of the Sisseton-Wahpeton Oyate shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the Tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the Tribe shall continue undisturbed in their religious beliefs and nothing in this Revised Constitution and By-Laws will authorize either the Council or the General Council to interfere with these traditional religious practices according to their customs.

ARTICLE X – INITIATIVE AND REFERENDUM

SECTION 1. Any matter of concern to the Tribe not previously considered or acted upon by the Council may be presented for action by the Council or vote of the registered voters, provided a petition signed by at least ten percent (10%) of the registered voters of the Tribe and setting forth the matter to be considered is filed with the Chairman. The Council shall consider the matter to be considered is filed with the next regular or special meeting. If the Council fails to act or disapprove the matter within ninety (90) days after filing of a proper petition with the Chairman, it shall be put to a vote at the next General Election, whichever occurs first. The vote of a majority of the registered voters voting on the issue shall be conclusive and binding upon the Council. *(As amended by Amendment XVI-C, effective December 27, 1994.)*

SECTION 2. Upon the filing of a petition with the Chairman of the Council, signed by at least ten percent (10%) of the registered voters of the Sisseton-Wahpeton Oyate within sixty (60) days of the enactment or upon the request of a majority of the members of the Council within a like period, any enacted ordinance or resolution of the Council shall be submitted by the Council to a popular referendum, such referendum to be called and held within thirty (30) days of the date of filing or request. The vote of a majority of the registered voters voting in such referendum shall be conclusive and binding on the Council. *(As amended by Amendment XVI - C, effective December 27, 1994.).*

ARTICLE XI – AMENDMENTS

SECTION 1. The Revised Constitution and By-Laws may be amended by a majority vote of the Registered voters of the Tribe voting in an election called for that purpose provided at least thirty percent (30%) of the registered voters

shall vote in such an election. It shall be the duty of the Commissioner of Indian Affairs to call an election on any proposed Amendment at the request of a majority of the Council or upon the presentation of a petition signed by at least ten percent (10%) of the registered voters of the Tribe.
(As amended by Amendment No. IX, effective November 15, 2006.)

BY-LAWS
OF THE
SISSETON-WAHPETON OYATE

ARTICLE I – DUTIES OF OFFICIALS

SECTION 1. CHAIRMAN

(a) He Shall preside at all regular and special meetings of the General Council, Council, and Executive Committee. The Chairman shall be an ex-officio member of all subordinate committees.

(b) He shall have general and active management of the business activities of the Tribe except that he shall not act on matters binding the Tribe until either the General Council, the Council, or the Executive Committee has deliberated and enacted appropriate resolutions or motions.

(c) He shall see that all ordinances and resolutions of both the General Council and the Council are carried into effect.

(d) He shall sign on behalf of the Tribe all official papers when authorized to do so.

(e) He shall give supervision to all other officers and employees of the Tribe and see that they carry out their duties.

(f) He shall prepare a report of the activities of the Council and make this report at each regular meeting of the General Council. He shall include in this report all matters within his knowledge which the interest of the Tribe may require to be brought to its attention.

(g) He shall not vote in either the General Council or Council except in case of a tie.

SECTION 2. SECRETARY

(a) He shall keep minutes at the principal place of business of the Tribe of all meetings of the General Council, Council and the Executive Committee.

(b) he shall give and serve all notices of the General Council and the Council as required by this Revised Constitution and By-Laws.

Approved by the Sisseton-Wahpeton Tribal Council on November 15, 2006, by Motion No. 52

SECTION 4. CODE OF ETHICS for all elected or selected officials. Gross neglect and improper conduct shall be interpreted by the Council in accordance with these definitions. *(New section added by Amendment No. VI, effective November 21, 1978, and further amended by Amendment No. XXX, effective December 7, 2000.)*

(a) Gross Neglect: As evidenced through any or all of the following:

1. Gross incompetency: unable or unwilling to perform the duties of office.

2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions or ordering payments of delinquent loans or debts.

3. Abandonment of office: not attending three consecutive District meetings. *(As amended by Amendment XVIII- F, effective December 27, 1994.)*

4. Excessive absenteeism: five days of unexcused absence in any thirty (30) day period.

(b) Improper Conduct: Determined by Council or District Chairman Association.

1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.

2. Misuse of office: unauthorized personal use of tribal equipment, manpower or materials.

3. Public conduct so as to question the integrity of the Sisseton-Wahpeton Oyate.

4. Malfeasance of office: including gross partiality or oppression.

(c) Improper Conduct: Conviction by legal courts.

1. Conviction of a felony

2. Three low misdemeanor convictions within a twelve (12) month period.

3. Crimes in office: corruption, extortion, fraudulent claims for compensation, salary, mileage and per diem or an unaccountable period of time.

4. Contempt of Court.

5. Any high-misdemeanor, including but not limited to maliciour mischief, statutory rape, hit-and-run, assault, battery, or assault and battery.

6. Driving while under the influence of alcohol. *(As amended by Amendment No. XIX- G, effective December 27, 1994.)*

(d) Improper Conduct: Alcohol and drug-free lifestyle while in office. *(This section added to Code of Ethics by Amendment No. XX-H, effective December 27, 1994.)*

1. Failure to promote and live an alcohol and drug-free lifestyle while in office.

2. Failure, while in office, to abstain from the use of alcohol and/or illegal drugs.

2. Failure, while in office, to submit to random alcohol and drug testing.

ARTICLE II – OATH OF OFFICE

Before assuming a position on the Council, each member shall subscribe to the following oath or affirmation:

"I, _____, do solemnly swear (or affirm) that I will support the Revised Constitution and By-Laws of the Sisseton-Wahpeton Oyate and the Constitution of the United States, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect the best interest of the Indians of the Sisseton-Wahpeton Oyate, and will assist them in every way within my power toward better citizenship and progress."

Approved by the Sisseton-Wahpeton Tribal Council on November 15, 2006, by Motion No. 52.

Sisseton Wahpeton Sioux Tribe

Constitution (NON-IRA) Approved October 16, 1946
Revised December 21, 1959 and August 26, 1966

Amendment No. I

Changed Article V, NOMINATIONS and ELECTIONS Section 4
Approved October 18, 1972

Amendment No. II

Added Article VII, Section 1(k) POWERS
Approved June 8, 1973

Amendment No. III

Changed Article III, Section 1, Article IV, Section 3, Article V, Section 2 (b), Article VI, Section 2, Article V, Section 3, Article VIII, Section 3 and Article VIII, Section
Approved November 10, 1976

Amendment No. IV

Changed Article II, MEMBERSHIP, Section 1 (d) and added a ne
Section 1 (e)

Amendment No. V

Changed Article III, ORGANIZATION, added a new Section 5
Amended Article VIII, POWERS, Section (k).

Amendment No. VI

Changed Article I of the Bylaws by adding a new Section 4

Amendment No. VII

Changed Article II, MEMBERSHIP, deleted Section 2; Article VII, POWERS added a new Section 1 (i)

Amendment No. VIII

Changed Article VII, POWERS, Section 3

Amendments IV through VIII were approved November 21, 1978

SISSETON WAHPETON SIOUX TRIBE (con't)

Amendment No. IX

Changed Article I, DUTIES OF OFFICERS, Section 3 of the By
Approved June 9, 1980

Amendment No. X

Changed Article III of the Bylaws-Ratification Article was deleted in its entirety.
Approved June 9, 1980

Amendment No. XI

Changed Article II, MEMBERSHIP, Section 1 (f) added
Approved December 20, 1985

Amendment No. XII

Changed Article VII, POWERS, Section 1 (c)
Approved December 20, 1985

(d) All persons of one-eighth (1/8) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after December 21, 1959, and prior to November 21, 1978. (As amended by Amendment No. IV, effective November 21, 1978).

(e) All persons of one-fourth (1/4) degree or more Sisseton-Wahpeton Sioux Indian blood born to members on or after November 21, 1978. (This section added by Amendment No. IV, effective November 21, 1978).

(Section 2 deleted by Amendment No. VII, effective November 21, 1978 and reworded and added to Powers - Article VII, Section 1(l).

ARTICLE III - ORGANIZATION

Section 1. The Sisseton-Wahpeton Sioux Tribe shall be governed by a tribal council consisting of fifteen (15) councilmen and three officers. Councilmen shall be elected from each of the seven districts according to population. A chairman, a secretary and a treasurer of the tribal council shall be elected at large, which officers shall constitute an executive committee. (As amended by Amendment No. III, effective November 10, 1976)

Sec. 2. The executive committee, in formal session, shall have the power to speak and act for the tribe when the tribal council is not in session and to carry into effect all properly enacted resolutions and ordinances of the tribal council and to appoint any boards, committees, or associations necessary to the transaction of tribal business. The tribal council shall review any action taken by the executive committee not delegated to it either in this Revised Constitution or in the enactments of the tribal council. The review shall be limited only to the next meeting of the tribal council following notification of the action of the executive committee.

Sec. 3. Members of the tribal council shall hold office for a term of two (2) years commencing on the date of the first regular meeting in January of each odd numbered year and until their successors have been elected and seated.

Sec. 4. There shall be a general council composed of the enrolled members of the tribe 18 years of age and over. A quorum for a general council shall be at least ten (10) percent of the eligible members. It shall be the duty of the tribal council to call and notice, at least once in each calendar year, a general

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council meeting. The general council may be convened only by action of the tribal council. At each general council meeting, the tribal council, all tribal committees, associations, and organizations shall present a report on the past year's activities, and, insofar as it is possible, explain the proposed programs for the ensuing year. (As amended by Amendment No. I, effective October 18, 1972)

SECTION 5 ADDED BY AMENDMENT NO. V, EFFECTIVE NOVEMBER 21, 1978

Sec. 5. (a) There shall be a judicial branch comprised of a three member appellate court, a tribal court consisting of one chief judge and two associate judges with supportive staff.

(b) Judges shall be appointed by a 2/3 vote of the Tribal Council for a term of four (4) years.

(c) Upon appointment, judges may be removed only by provision of recall and impeachment procedure by tribal ordinance.

(d) Rules of operation shall be provided by the tribal ordinance.

ARTICLE IV - DISTRICT ORGANIZATIONS

Section 1. There shall be seven (7) deliberate district councils, viz: (1) Veblen, (2) Long Hollow, (3) Buffalo Lake, (4) Enemy Swim, (5) Big Coulee, (6) Old Agency, and (7) Lake Traverse.

Sec. 2. Each district council shall consist of the adult members of the tribe registered on a district voting roster which will be maintained by the district secretary.

Sec. 3. The tribal councilmen elected from each district shall call a district election in January of odd-numbered years to elect for the district: (1) a chairman; (2) a vice chairman; (3) a secretary; (4) a treasurer; and such other officers and committees as may be deemed necessary. (As amended by Amendment No. III, effective November 10, 1976)

Sec. 4. Each district shall manage its own local affairs, but any matters involving more than one district shall be decided by the tribal council. It shall be the function of the district councils to advise and make recommendations to the tribal council.

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ARTICLE V - NOMINATIONS AND ELECTIONS

Section 1. The first election of the tribal council under this Revised Constitution shall be called, held and supervised by the present tribal council within 120 days after its approval. Successful candidates at this first election shall assume office when duly seated at the regular January 1967 meeting of the council. Where more than 2 members have filed for an office, a primary election shall be held at least 30 days prior to the general election. Only the two candidates for each office receiving the most votes at such primary election or convention shall be eligible to run for office in the general election. Where no more than two members have filed for an office, a primary election will be unnecessary.

Sec. 2. Any qualified registered member of the Sisseton - Wahpeton Sioux Tribe 21 years of age or over may announce his candidacy for the tribal council by notifying the Secretary of the tribal council in writing of his candidacy at least forty-five (45) days prior to the election. It shall be the duty of the Secretary to post at least ten (10) days before the primary election the names of all qualified candidates who have met this requirement. Notice of all elections shall be given as prescribed by ordinance.

(a) Candidates for tribal council officers shall file for the office of their choice at least sixty (60) days before the general election.

(b) Councilmen shall be elected from each of the seven (7) voting districts according to population. (As amended by Amendment No. III, effective November 10, 1976)

(c) No person may be a candidate for more than one office.

Sec. 3. The tribal council, or an election board appointed by the council, shall supervise the maintenance of the district voting rosters, and shall determine rules and regulations governing elections, including absentee voting, qualifications for office, election dates and recall elections. The tribal council shall certify to the election of members after the election has been held.

Sec. 4. Any enrolled member of the Sisseton-Wahpeton Sioux Tribe who is 18 years of age or over, on the date of election, shall be entitled to vote in the district in which he is registered. (As amended by Amendment No. I, effective October 18, 1972)

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Sec. 5. Members of the tribe shall register, vote and hold office in the district of their residence, or if they are non-residents, in the district of their former residence, or if they never were residents, in the district of their choice. Tribal members who have never been residents, registering in the district of their choice, cannot change their voting district unless duly authorized to do so by the tribal council.

ARTICLE VI - VACANCIES, REMOVAL AND RECALL FROM OFFICE

Section 1. If a councilman or officer shall die, resign, or be removed from office for cause, the tribal council shall declare the position vacant and appoint a person to fill the vacancy, provided the appointment of any councilman shall be made from the appropriate district council or from the reservation at large in the case of a member of the executive committee.

Sec. 2. Any councilman or officer who is proven guilty of improper conduct or gross neglect of duty may be removed from the tribal council by a vote of ten (10) council members, provided that the member shall be given full opportunity to reply to any and all charges at a designated council meeting; and provided further that the member shall have been given a written statement of the charges against him at least five (5) days before the meeting at which he is to be given the opportunity to reply. The councilman or officer found guilty of improper action shall not vote on his own removal. (As amended by Amendment No. III, effective November 10, 1976)

Sec. 3. The voters of any district, by petition signed by ten (10) percent of the eligible voters in the district, may request the recall of a district councilman for improper conduct. The recall of members of the executive committee may be requested by a petition signed by twenty (20) percent of the eligible voters from the whole reservation. The tribal council shall hold a special election on all such recall petitions. Any resulting vacancies shall be filled under Section 1 of this Article. No more than one recall election for each councilman or officer shall be held for each term of office. (As amended by Amendment No. III, effective November 10, 1976)

Sec. 4. Any councilman or officer who fails to attend three (3) successive monthly meetings without excuse, shall be considered to have resigned his office. The tribal council shall then declare the position vacant and fill the vacancy pursuant to the provisions of Section 1 of this Article.

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ARTICLE VII - POWERS

Section 1. The tribal council shall have the following powers which may be exercised pursuant to this Revised Constitution and any applicable Federal statutes or regulations.

(a) To represent the tribe in all negotiations with Federal, State and local governments and to advise and consult with representatives of the Department of the Interior on all matters affecting the tribe.

(b) To acquire, own, use, manage, lease and otherwise encumber, and to dispose of tribal property, both real and personal, wherever situated.

(c) To engage in any business not contrary to State law that will further the economic development of the tribe and its members, and to use tribal funds or other resources for such purposes.

(d) To make rules governing the relationship of the members to the tribe, to tribal property, and to one another as members of the tribe, and to assess fees of members to effectuate tribal purposes.

(e) To hire employees and agents, including legal counsel, directly or as independent contractors, and to compensate them for their services. The choice of counsel and fixing of fees to be subject to approval of the Secretary of the Interior, so long as such approval is required by Federal law.

(f) To deposit tribal funds to the credit of the tribe, without limitation of the amount in any account, in any National or State bank whose deposits are insured by an agency of the United States, and to invest and reinvest tribal funds in any security authorized by the laws of the State of South Dakota or the District of Columbia for trust investments, and in addition, to invest and reinvest tribal funds in any security issued by a company in which the tribe has a majority or greater interest.

(g) To take any action by ordinance, resolution or otherwise which are reasonably necessary, through committees, boards, agents or otherwise, to carry into effect the foregoing purposes and to add such further powers, as may be permitted by law, through appropriate amendment to this Revised Constitution.

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(h) To promote public health, education, charity, and such other services as may contribute to the social advancement of the members of the Sisseton-Wahpeton Sioux Tribe.

(i) To adopt Resolutions regulating the procedures of the tribal council, its officials and committees in the conduct of tribal affairs.

(j)(i) No authorities contained in this Revised Constitution may be delegated by the tribal council to tribal officials, district councils, or associations to carry out any function for which the tribal council assumes primary responsibility, except by ordinance or resolution duly enacted by the tribal council in legal session and excepting also those specific requirements contained in the bylaws of the Sisseton Wahpeton Sioux Tribe.

(ii) The tribal council is hereby authorized to recognize any district committees, associations or other organizations open to the members of the Sisseton-Wahpeton Sioux Tribe and to approve such organizations, subject, however, to the provision that no such committee, association or organization may assume authorities specifically granted to the tribal council unless by a proper delegation of authority by the tribal council.

(k) To promulgate and enforce ordinances governing the conduct of persons under the jurisdiction of the Sisseton-Wahpeton Sioux Tribe. (As amended by Amendment No. II, effective June 8, 1973 and further amended by Amendment No. V, effective November 21, 1978.

(l) To enact resolutions or ordinances not inconsistent with Article II of this Revised Constitution and Bylaws concerning membership in the Sisseton-Wahpeton Sioux Tribe. (This section added to Powers by Amendment No. VII, effective November 21, 1978).

Sec. 2. Manner of Review. Any ordinance or resolution which may be subject to review by the Secretary of the Interior, shall be presented to the Superintendent of the Reservation, who shall, within ten (10) days after receipt, approve or disapprove the same. If the Superintendent shall approve said ordinance or resolution, it shall thereupon become effective, but the Superintendent shall transmit a copy of the same, bearing his endorsement, to the Secretary of the Interior, who may, within 90 days from the date of receipt, rescind the said ordinance or resolution for any cause by notifying the tribal council of such

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decision. If the Superintendent shall refuse to approve any ordinance or resolution, he shall within 10 days after its receipt advise the Sisseton-Wahpeton Sioux Tribal Council of his reasons therefor. If these reasons appear to the council insufficient, it may, by a majority vote, refer the ordinance or resolution to the Secretary of the Interior, who may, within 90 days from the date of its receipt, approve the same in writing, whereupon the said ordinance or resolution shall become effective.

Sec. 3. The Tribal Council can reapportion its fifteen representatives according to population. (As amended by Amendment No. III, effective November 10, 1976 and further amended by Amendment No. VIII, effective November 21, 1978)

ARTICLE VIII - MEETINGS

Section 1. The tribal council shall meet regularly on the first Tuesday of each month, or upon call of the chairman of the tribal council. It shall be the duty of the chairman to call a special meeting upon request of a majority of the council.

Sec. 2. At any meeting of the tribal council, a simple majority of four (4) districts shall be present to constitute a quorum, with no less than eight (8) councilmen present. (As amended by Amendment No. III, effective November 10, 1976)

Sec. 3. The executive committee shall meet upon call of the chairman. At any meeting of the executive committee, two (2) members shall constitute a quorum.

ARTICLE IX - BILL OF RIGHTS

Section 1. All members of the Sisseton-Wahpeton Sioux Tribe shall be accorded equal political rights and equal opportunities to participate in the economic resources and activities of the tribe, and no person shall be denied freedom of conscience, speech, association or assembly, or due process of law, or the right to petition for the redress of grievances. The members of the tribe shall continue undisturbed in their religious beliefs and nothing in this Revised Constitution and Bylaws will authorize either the tribal council or the general council to interfere with these traditional religious practices according to their custom.

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ARTICLE X - INITIATIVE AND REFERENDUM

Section 1. Any matter of concern to the tribe not previously considered or acted upon by the tribal council may be presented for action by the tribal council or vote of the qualified voters, provided a petition signed by at least ten (10) percent of the qualified voters of the tribe and setting forth the matter to be considered is filed with the chairman. The tribal council shall consider the matter presented in the petition at its next regular or special meeting. If the tribal council fails to act or disapprove the matter within ninety (90) days after filing of a proper petition with the chairman, it shall be put to a vote at the next meeting of the general council or shall appear on the ballot at the next general election, whichever occurs first. The vote of a majority of the qualified voters voting on the issue shall be conclusive and binding upon the tribal council.

Sec. 2. Upon the filing of a petition with the chairman of the tribal council, signed by at least ten (10) percent of the eligible voters of the Sisseton-Wahpeton Sioux Tribe within 60 days of the enactment or upon the request of a majority of the members of the tribal council within a like period, any enacted ordinance or resolution of the tribal council shall be submitted by the tribal council to a popular referendum, such referendum to be called and held within 30 days of the date of filing or request. The vote of a majority of the qualified voters voting in such referendum shall be conclusive and binding on the tribal council.

ARTICLE XI - AMENDMENTS

Section 1. This Revised Constitution and Bylaws may be amended by a majority vote of the qualifed voters of the tribe voting at an election called for that purpose by the Commissioner of Indian Affairs, provided at least thirty (30) percent of the eligible voters shall vote in such election. It shall be the duty of the Commissioner of Indian Affairs to call an election on any proposed amendment at the request of a majority of the tribal council or upon the presentation of a petition signed by at least ten (10) percent of the qualified voters of the tribe, but no amendment shall become effective until it is approved by the Commissioner of Indian Affairs.

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BYLAWS

OF THE

SISSETON-WAHPETON SIOUX TRIBE

ARTICLE I - DUTIES OF OFFICIALS

Section 1. Chairman

(a) He shall preside at all regular and special meetings of the general council, tribal council, and executive committee. The chairman shall be an ex-officio member of all subordinate committees.

(b) He shall have general and active management of the business activities of the tribe except that he shall not act on matters binding the tribe until either the general council, the tribal council, or the executive committee has deliberated and enacted appropriate resolutions or motions.

(c) He shall see that all ordinances and resolutions of both the general council and the tribal council are carried into effect.

(d) He shall sign on behalf of the tribe all official papers when authorized to do so.

(e) He shall give supervision to all other officers and employees of the tribe and see that they carry out their duties.

(f) He shall prepare a report of the activities of the tribal council and shall make this report at each regular meeting of the general council. He shall include in this report all matters within his knowledge which the interest of the tribe may require be brought to its attention.

(g) He shall not vote in either the general council or tribal council except in case of a tie.

(h) It shall be the duty of the chairman to designate who, from the other members of the executive committee, shall preside in his absence. When the chairman refuses or is unable to act, the secretary shall assume the duties of the chair.

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Sec. 2. Secretary

(a) He shall keep minutes at the principal place of business of the tribe of all meetings of the general council, the tribal council and the executive committee.

(b) He shall give and serve all notices of the general council and the tribal council as required by this Revised Constitution and Bylaws.

(c) He shall keep the membership roll of the tribe, showing all changes as required by this Revised Constitution. In addition, he shall keep a current voting list.

(d) He shall attend to all such correspondence assigned to him by the chairman and perform all other duties of his office or as prescribed by the general council or tribal council.

Sec. 3. Treasurer

(NEW SECTION 3 PURSUANT TO AMENDMENT NO. IX EFFECTIVE JUNE 9, 1980)

(a) He shall keep and maintain, open to inspection by members of the tribe, at all reasonable times adequate and correct accounts of the properties and business transactions of the tribe.

(b) He shall have care and custody of the funds and valuables of the tribe. He shall deposit all funds in the name of and to the credit of the Sisseton-Wahpeton Sioux Tribe with such depository as the tribal council may direct.

(c) The Treasurer and all officers and employees whose duties involve handling of tribal money or other valuables shall be bonded as required by the tribal council.

(d) The books and records of the Treasurer shall be audited at least once a year by a competent auditor employed by the tribal council and at such times as the tribal council may direct.

(NEW SECTION ADDED BY AMENDMENT NO. VI, EFFECTIVE NOVEMBER 21, 1978, AS FOLLOWS:)

Section 4. Code of ethics for all elected or selected officials. Gross neglect and improper conduct of Article VI, Vacancies, Removal and Recall from office should be interpreted by the Tribal Council in accordance with these definitions.

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(a) Gross Neglect - As evidenced through any or all of the following:

1. Gross incompetency - Unable or unwilling to perform the duties of office.

2. Inability to handle private affairs as evidenced through garnishment proceedings or court actions or ordering payments of delinquent loans or debts.

3. Abandonment of office - Not attending three consecutive district meetings or moving out of the area or district elected from.

4. Excessive absenteeism - Five days of unexcused absence in any thirty (30) day period.

(b) Improper Conduct - Determined by Tribal Council or District Chairman's Association:

1. Converting tribal property or monies without authorization through omission or misrepresentation of facts.

2. Misuse of office - Unauthorized personal use of tribal equipment, manpower or materials.

3. Public conduct so as to question the integrity of the Sisseton-Wahpeton Sioux Tribe.

4. Malfeasance of office - Including gross partiality or oppression.

(c) Improper Conduct - Convictions by legal courts:

1. Conviction of a felony.

2. Three low-misdemeanor convictions within a twelve (12) month period.

3. Crimes in office - Corruption, extortion, fraudulent claims for compensation - salary, mileage and per diem during an unexcused absence or an unaccountable period of time.

4. Contempt of court.

5. Any high-misdemeanor, including but not limited to malicious mischief, statutory rape, hit and run, assault, battery or assault and battery.

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6. Driving while under the influence of alcohol twice in a twelve (12) month period.

ARTICLE II - OATH OF OFFICE

Before assuming a position on the tribal council, each member shall subscribe to the following oath or affirmation:

> "I, _____, do solemnly swear (or affirm) that I will support the Revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe and the Constitution of the United States, and will faithfully and impartially perform the duties of my office to the best of my ability and will work to promote and protect the best interest of the Indians of the Sisseton-Wahpeton Sioux Tribe, and will assist them in every way within my power toward better citizenship and progress."

ARTICLE III - RATIFICATION

(DELETED IN ITS ENTIRETY BY AMENDMENT NO. X EFFECTIVE JUNE 9, 1980)

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AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
SISSETON-WAHPETON SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT XI

ARTICLE II - Membership, Section 1 (f) SHALL BE ADDED to the Constitution to read as follows:

(f) All persons applying for membership under Article II, Section 1 (a), (b), (c), and (d) (on or after the effective date of this amendment) must be one-fourth (1/4) degree or more Sisseton-Wahpeton Sioux Indian blood.

APPROVAL

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I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Commissioner of Indian Affairs by Article XI of the revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe, South Dakota, and redelegated to me by 10 BIAM 3.1, hereby approve Amendment No. XI above, which adds Article II, Section 1 (f), of the revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe of South Dakota to be effective on the date of this approval.

Area Director

Date:

Aberdeen Area Office
Aberdeen, South Dakota

CERTIFICATE OF RESULTS OF ELECTION

Pursuant to an election authorized by the Area Director, Aberdeen Area Ofifce, Bureau of Indian Affairs, on July 9, 1984, the foregoing Amendment A, to the Revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe, South Dakota, was submitted to the qualified voters of the Tribe and was on November 6, 1984, duly adopted by a majority vote of 466 for, and 423 against, in an election in which at least thirty (30) percent of the 2078 members entitled to vote cast their ballots in accordance with Article XI of the Tribe's Revised Constitution and Bylaws.

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Catherine C. Thompson
Chairman, Election Board

Wanda M. Birtsdler
Election Board Member

Fern Backer
Election Board Member

DEC
AB
TRIB

AMENDMENT
REVISED CONSTITUTION AND BYLAWS
OF THE
SISSETON-WAHPETON SIOUX TRIBE
SOUTH DAKOTA

AMENDMENT XXI

ARTICLE VII - POWERS, Section 1 (c) would read:

(c) To engage in any business that will further the economic development of the Tribe and its members, and to use tribal funds or other resources for such purposes.

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APPROVAL

I, Jerry L. Jaeger, Area Director of the Aberdeen Area Office, Bureau of Indian Affairs, by virtue of the authority granted to the Commissioner of Indian Affairs by Article XI of the revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe, South Dakota, and redelegated to me by 10 BIAM 3.1, hereby approve Amendment No. XXI above, which adds Article VII, Section 1 (c), of the revised Constitution and Bylaws of the Sisseton-Wahpeton Sioux Tribe of South Dakota to be effective on the date of this approval.

(Sgd) Jerry L. Jaeger
Area Director

Date: DEC 20 1985

Aberdeen Area Office
Aberdeen, South Dakota